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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/110,987 07/07/98 GOCHANOUR G GGG-10003/29

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EXAMINER

BAE, G

ART UNIT

PAPER NUMBER

3724

DATE MAILED:

10/25/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/110,987

Applicant(s)
G. Gary Gochanour

Examiner
Gyoungyun Bae

Group Art Unit
3724



☒ Responsive to communication(s) filed on 9/23/99

☐ This action is FINAL.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire three month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-3 and 5-17 is/are pending in the application.

Of the above, claim(s) 10-17 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-3 and 5-9 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Election/Restriction

1. Claims 10, 13-14, 17 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected Group II, the requirement having been traversed in Paper No. 5. Applicant's traverse of the restriction in the amendment is not deemed persuasive because of the following reasons.
2. The amended inventions are distinct, each from the other because of the following reasons: Inventions Group II and Group I are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case, Group II as claimed can be practiced by another materially different apparatus which does not require the specific housing of Group I as shown in the newly submitted Fig. 5C in which the housing is merely a half-cylindrical support, and Group I as claimed can be practiced by another materially different process which does not require the step of drawing the film adhered to a hand or the step of positioning the film within a platform area such that the surface with the adhesive is facing outwardly.

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Drawings

3. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on 9/23/1999 have been disapproved.
4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: the reference numerals 51, 56, and 58 are not in the specification. Correction is required.

Specification

5. Claims 1-9 are objected to because of the following informalities: the same numeral 52 is used to designate two different mechanical elements film at line 17 in page 16 and a housing at line 15 in page 17. Also "housing 54" at line 18 in page 16 should be properly corrected. Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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At line 2 of claim 1, the recitation "a housing to receive a roll of flexible film defining a central axis" reads like a housing as a shaft on which a roll of flexible film to be wound which is different from the Figs. 5A-5C.

At line 9 of claim 1, "a hand to be covered" is not clear if the hand is fully covered as shown in Fig. 2 or partially covered.

In claims 3 and 8, it is not clear how defining the workpiece further defines the claimed dispenser.

At line 2 of claims 5-6, the degree of resiliency of the base member is not clear. How can something be "substnatially" resilient or non-resilient? Either it is resilient or it isn't.

In claim 9, it is not clear if the indicia is hand-shaped.

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-3, 5, 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Cherrin.

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Cherrin discloses the same invention including a housing 108 in Figs. 4-5, a roll of flexible transparent film 114, a central axis 122, the first surface 118, the second surface 120, an edge 140, an aperture 128 & 130, a non-resilient base member 134 in Fig. 4

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cherrin in view of Curtiss, Jr.

Cherrin discloses the invention substantially as claimed except for a resilient base; however, Curtiss, Jr teaches the use of a resilient base member 24 to restrict the sagging of a portion of continuous material to be dispensed, or adjust the clearance between the film and the top surface on the base member, or provide more comfort to the hand by using a resilient material.

In view of Curtiss, Jr, it would have been obvious to one having ordinary skill in the art at the time invention was made to substitute Curtiss, Jr's resilient material for Cherrin's hard material in order to restrict the sagging of a portion of continuous material to be dispensed, or

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adjust the clearance between the film and the top surface on the base member, or provide more comport to the hand by using a resilient material.

Allowable Subject Matter

12. Claims 7 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sharpe, Barnard, Stoller, Gochanour, Stewart are cited to show the related device.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gyoungyun Bae whose telephone number is (703) 305-1920. The examiner can normally be reached on (703) 305-1920 until 3:00pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada, can be reached on (703) 308-2187. The fax phone number for this Group is (703) 305-3579.

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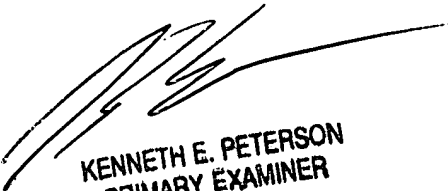
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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

gbac

October 21, 1999



KENNETH E. PETERSON
PRIMARY EXAMINER